FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.3765 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr S.A.Bhagwat, for the petitioner
None for the respondents.

CORAM: D.B.BHOSALE,J.
DATED: 19.08.2006

P.C.:

Heard the learned counsel for the petitioner. None appears for the respondents.

The petitioner has impugned the order dated 4.2.2006 by which his application for framing the additional issues has been rejected holding that in the absence of specific pleading the issues proposed by the petitioner, need not be framed and that the evidence has already begun. I do not wish to examine the merits of the case. This being an inter-locutory order, it is always open for the petitioner to challenge the same in appeal if the suit is decreed

against him. Even if the suit is dismissed and the respondent-plaintiff files appeal, he can raise this issue by filing cross-objection. In the circumstances, the writ petition is disposed of, with liberty as aforestated to the petitioner.

(D.B.BHOSALE,J.)